

REMARKS/ARGUMENTS

Claims 1-32 were previously pending in the application. Claims 1, 18, 23, and 30 are amended. Assuming the entry of this amendment, claims 1-32 remain pending in the application. The Applicant hereby requests further examination and reconsideration of the application in view of the foregoing amendments and these remarks.

Interview with the Examiner

On April 15, 2008 the Applicant's attorney had a telephone interview with the Examiner and Supervisor Chris Grant regarding this application. The prior art of record and claims 1 and 6 were discussed. The Applicant's attorney proposed a clarifying amendment to claim 1. The amendment would clarify that the adjusting step comprises adjusting one or more of the on-air time, the start-of message, or the duration for one or more program segments in the reference playlist. The Examiner and the Supervisor agreed that the proposed amendment appears to overcome the prior art of record.

Prior-art rejections

In sections 2-3, the Examiner rejected claims 1-3, 9, 10, 16-20, 22-25, and 27-31 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,378,129 to Zetts. In sections 4-5, the Examiner rejected claims 4-7, 21, and 26 under 35 U.S.C. § 103(a) as being unpatentable over Zetts in view of U.S. Pat. App. Pub. No. 2001/0025377 to Hinderks. In section 6, the Examiner rejected claims 11 and 12 under 35 U.S.C. § 103(a) as being unpatentable over Zetts in view of U.S. Pat. App. Pub. No. 2002/0152278 to Pontenzone et al.

Allowable Subject Matter

In section 7, the Examiner stated that claims 8, 13-15, and 32 are directed to allowable subject matter and would be allowable if rewritten in independent form.

Comments on Examiner's Statement of Reasons for the Indication of Allowable Subject Matter

In section 7, the Examiner provides a "statement of reasons for the indication of allowable subject matter," which contains language that attempts to characterize the claimed subject matter. The Applicant submits, however, that the language in the Statement does not accurately characterize the allowable subject matter. In particular, in regards to claims 13-15, the Statement says that the prior art of record fails to teach or reasonably disclose ". . . repeating the steps until the updated value of the second variable is within the timeslot for the current

program segment” (emphasis added). The Applicant submits that the language in the Statement does not accurately characterize claim 13, which provides enumeration for steps (a)-(f) and recites “. . . repeating steps (c)–(e) until the updated value of the second variable is within the timeslot for the current program segment” (emphasis added). To that extent, the Applicant objects to the Statement. In addition, the Reason cites only a portion of the claim language from the allowable-subject-matter claims and their respective base and intervening claims. The Applicant submits that these claims recite additional language not cited by the Examiner. To that extent, the Applicant also objects to the Statement.

In general, to the extent that the Statement differs from the language of any of the allowable-subject-matter claims, the Applicant rejects any narrowing or limitations that might possibly result from such differences.

For each of these reasons individually and for all these reasons collectively, the Applicant objects to the Statement.

Claims 1, 18, 23, and 30

Claim 1 has been amended to clarify that the adjusting step comprises adjusting one or more of (1) the on-air time, (2) the start-of message, or (3) the duration, for one or more program segments in the reference playlist. As noted above, the Examiner and the Supervisor agreed that the proposed amendment appears to overcome the prior art of record. Similarly, claims 18, 23, and 30 have been amended to clarify that the automated playlist chaser is adapted to adjust one or more of (1) the on-air time, (2) the start-of message, or (3) the duration, for one or more program segments in the reference playlist.

The Applicant submits, therefore, that amended claim 1 is allowable over the prior art. For similar reasons, Applicant submits that amended claims 18, 23, and 30 are also allowable over the prior art. Since claims 2-17 and 31-32 depend variously from claim 1, claims 19-22 depend from claim 18, and claims 24-29 depend from claim 23, it is further submitted that those claims are also allowable over the prior art.

In view of the above amendments and remarks, the Applicant believes that the now-pending claims are in condition for allowance. Therefore, the Applicant believes that the entire application is now in condition for allowance, and early and favorable action is respectfully solicited.

Fees

During the pendency of this application, the Commissioner for Patents is hereby authorized to charge payment of any filing fees for presentation of extra claims under 37 CFR 1.16 and any patent application processing fees under 37 CFR 1.17 or credit any overpayment to **Mendelsohn & Associates, P.C. Deposit Account No. 50-0782.**

The Commissioner for Patents is hereby authorized to treat any concurrent or future reply, requiring a petition for extension of time under 37 CFR § 1.136 for its timely submission, as incorporating a petition for extension of time for the appropriate length of time if not submitted with the reply.

Respectfully submitted,

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